

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

BYRON A.K. HALL,)	
)	
Petitioner,)	
)	
v.)	MC 124-017
)	
DHS; DCSS; and RICHMOND COUNTY)	
STATE COURT,)	
)	
Respondents.)	

ORDER

On November 21, 2024, Petitioner filed a complaint seeking to vacate a child support judgment against him. (See doc. no. 1.) Petitioner paid the \$52.00 miscellaneous filing fee “for filing any document that is not related to a pending case or proceeding.” (See dkt. entry); see also District Court Miscellaneous Fee Schedule, ¶ 1, Eff. Dec. 1, 2023.

Because Petitioner filed a complaint that seeks judicial action, the Court requires he file a civil action rather than a miscellaneous action. See, e.g., Gilbert v. U.S. Fed. Rsrv. Bank of Cleveland, Misc. Act. No. 1:21-mi-58, 2021 WL 2753523, at *1 (N.D. Ga. June 17, 2021) (converting *pro se* plaintiff’s miscellaneous case into a new civil action), *appeal dismissed* Gilbert, No. 21-12219, 2021 WL 4472477 (11th Cir. July 29, 2021). Accordingly, the Court **DIRECTS** the **CLERK** to open a new civil action using the complaint filed in the above-captioned case and to issue a deficiency notice informing Petitioner he must either submit the \$405.00 filing fee (less the \$52.00 already paid for the miscellaneous case filing fee) or, if he cannot pay the filing fee, a motion to proceed *in forma pauperis* (“IFP”), if he

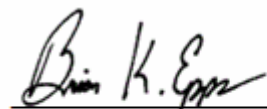
wishes to pursue the newly opened civil action. See Loc. R. 4.1; see also 28 U.S.C. § 1914(a) and District Court Miscellaneous Fee Schedule, ¶ 14, Eff. Dec. 1, 2023. The Court further **DIRECTS** the **CLERK** to attach a copy of the standard IFP form and supporting affidavit used by non-incarcerated *pro se* litigants filing a new civil case in the Southern District of Georgia, stamped with the new civil case number, to Petitioner's service copy of the deficiency notice.

Should Petitioner file a motion to proceed IFP, the Court will determine whether Petitioner should be granted leave to proceed IFP or whether Plaintiff should pay the \$405.00 filing fee (less the \$52.00 already paid). If no response is timely received from Petitioner, the Court will presume that he desires to have his new civil case voluntarily dismissed and will recommend dismissal of this action, without prejudice. Petitioner is cautioned that, while this new civil action is pending, he shall immediately inform this Court of any change of address.

Failure to comply with the terms of the deficiency notice will result in a recommendation to the presiding District Judge that the new civil case be dismissed without prejudice.

Finally, because the Court directs the Clerk to open a new civil action using the complaint filed in the above-captioned case, the Court **DIRECTS** the **CLERK** to close this miscellaneous case.

SO ORDERED this 3rd day of January, 2025, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA